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APR 20 2010

OFFICE OF PETITIONS

In re Application of
Peter A. Balkus et al.
Application No. 09/539,749
Filed: March 31, 2000
Attorney Docket Number: A0521/7189

ON PETITION

This is a decision on the petition, filed February 25, 2010 under 37 CFR 1.137(b)¹, to revive the above identified application.

The petition is **GRANTED**.

This application became abandoned February 19, 2010 for failure to timely pay the issue fee in response to the Notice of Allowance mailed November 18, 2009 which set a three month statutory period for response. The instant petition and this decision preceded the mailing of the Notice of Abandonment which was mailed on March 9, 2010.

All other requirements of 37 CFR 1.137(b) having now been met, this matter is being referred to the Publishing Division to be processed into a patent.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

¹Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).